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				1771	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com pto@gbpatent.com

	Application No.	Applicant(s)					
	10/532,208	MORTON, ANTONY					
Office Action Summary	Examiner	Art Unit					
	Peter Y. Choi	1771					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status *							
1) Responsive to communication(s) filed on <u>05 Ju</u>	Responsive to communication(s) filed on <u>05 June 2007</u> .						
,							
,	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4)⊠ Claim(s) <u>1-29</u> is/are pending in the application.							
4a) Of the above claim(s) 6,9-14 and 22-29 is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-5,7,8 and 15-21</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or election requirement.							
Application Papers							
9) The specification is objected to by the Examiner.							
10)⊠ The drawing(s) filed on <u>22 April 2005</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of:							
1. Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D 5) Notice of Informal F	Pate					
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 07/20/05.	6) Other:	acon representati					

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NON-FINAL ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I Species I, Group II Species IV, and Group III Species IV in the reply filed on June 5, 2007, is acknowledged. Claims 6, 9-14 and 23-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected inventions, there being no allowable generic or linking claim. Additionally, claim 22 appears to be directed to a non-elected species. The claim recites that the paper contacting surface layer or zone is a woven layer and the core or non-paper contacting surface zone is a perforated membrane of synthetic plastics material or resin impregnated fibrous material.

Support for this embodiment appears in Applicant's specification, paragraphs 0036 and/or 0050. The core does not appear to comprise the elected woven base cloth. Due to the language in the specification, even if the claimed perforated membrane of synthetic plastics material or resin impregnated fibrous material does not comprise the core but is merely a zone associated with the paper contacting surface layer, the paper contacting surface layer is not a batt without a resin coating as elected. Therefore, claim 22 is withdrawn as directed to a non-elected species.

Applicant traverses the election requirement on the grounds that Examiner has failed to properly construe and consider the claims under the "special technical feature" standard since each of the features noted in the species groups have in common at least each of the features recited in claims 1-3. Additionally, Applicant argues that the "unity of invention" standard must be evaluated on the basis of independent claims only and since the only independent claim is claim 1 and is generic to each of the species, none of the claims can be properly restricted as species under the unity of invention standard. Applicant's arguments are not found persuasive.

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MPEP §1850(II) states that an international application should relate to only one invention or, if there is more than one invention, the inclusion of those inventions in one international application is only permitted if all inventions are so linked as to form a single general inventive concept (PCT Rule 13.1). With respect to a group of inventions claimed in an international application, unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings, if any.

Whether or not any particular technical feature makes a "contribution" over the prior art, and therefore constitutes a "special technical feature," should be considered with respect to novelty and inventive step. For example, a document discovered in the international search shows that there is a presumption of lack of novelty or inventive step in a main claim, so that there may be no technical relationship left over the prior art among the claimed inventions involving one or more of the same or corresponding special technical features, leaving two or more dependent claims without a single general inventive concept.

As set forth in the Requirement for Restriction of April 5, 2007, section 2, the "X" reference on the International Search Report submitted by Applicant on July 20, 2005, for analogous International Application No. PCT/GB03/04585, demonstrates that the independent claim of the application does not avoid the prior art. The features that Applicant argues are common to each of the species are not special technical features as described in MPEP §1850.

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Therefore, the special technical feature of the application is anticipated by or in view of the prior art and accordingly, applying the unity of invention standard to the independent claims, unity of invention does not exist with respect to the claimed inventions.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

2. Claims 5, 15 and 16 are objected to because of the following informalities:

Regarding claim 5, the claim recites that the core is "composed of widely spaced yarns, fibers or particles, or of 8 perforated sheet or membrane layer." It appears that the "8" should be an "a."

Regarding claims 15 and 16, the claims recite materials in abbreviated form such as PPS, PEK, PEK, PEN, PBM, PET, PBT, PTT, and PCTA. The materials should be recited in unabbreviated form.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which

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it is most nearly connected, to make and/or use the invention. The claim recites that the core is filled with a porous material. Applicant's specification does not appear to teach a method in which the core, comprising the elected woven base cloth, may be additionally formed with a porous material, wherein the core has a high void volume as required by claim 2. One of ordinary skill in the art would not be able to make and/or use the embodiment claimed embodiment having a core comprising a woven base cloth and wherein the core is additionally filled with foam and wherein the core has a high void volume without undue experimentation.

- 5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 6. Claims 2-5, 7, 8, and 15-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2-5, 7, 8, and 17-21, claim 2 recites that the core has a "high void volume." It is unclear what is considered a high void volume in comparison to a normal void volume.

Regarding claim 4, the claim recites that the paper contacting surface layer is "relatively the finest of the layers" and that the machine side surface layer is "intermediate fineness." It is unclear what is intended by "relatively the finest" and "intermediate fineness." Specifically, it is unclear in what capacity "fineness" is measured or determined and it is unclear if the paper contacting surface is actually finer than the layers or is simply capable of being finer than the layers. Additionally, it is unclear how "intermediate fineness" is determined and if the fineness

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of the machine side surface layer is finer in relation to the other layers or is simply of "intermediate fineness" as arbitrarily measured or determined.

Regarding claims 15 and 16, the claim recites "high resistance" to "high temperature and hydrolysis." It is unclear what resistance or temperature or hydrolysis would be considered "high".

Regarding claim 16, the claim is dependent on claim 15 and the claim recites that parts of the fabric are at least partially insulated from "the hot jet or roll." Neither claim 15 nor independent claim 1 recites a hot jet or roll. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 18-20, claim 18 recites that the two-ply woven core zone has "relatively coarse...weft yarns" and "relatively fine...weft yarns." It is unclear what is intended by "relatively coarse" and "relatively fine." Specifically, it is unclear in what capacity the coarseness or fineness is measured or determined.

Regarding claim 20, the claim recites that warp yarns pass about the "further yarns." The claim also recites "finer weft yarns." It is unclear what yarns described are "further yarns" and what is intended by "finer weft yarns." Are the weft yarns finer than the other yarns comprising the embodiment or are the weft yarns the finer weft yarns which comprise the relatively fine cross-machine direction or weft yarns? Additionally, claim 20 recites "the cylinder side of the core zone," "the weave structure," and "the lower ply." Claim 20 includes the limitations of claims 1, 2, 17, and 18. Neither of claims 1, 2, 17 nor 18 recite a "cylinder side" or a "weave structure" or a "lower ply." There is insufficient antecedent basis for these limitations in the claim.

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Regarding claim 21, the claim recites a single ply of "larger diameter weft yarns." It is unclear what the claimed "larger diameter" yarns are in comparison to. Additionally, it is unclear how a single ply of larger diameter weft yarns may also comprise a surface layer and a core in a single structure providing zones of differing mean void volume since presumably the weft yarns would not appear to be able to be configured in a single ply such that different zones comprise differing mean void volumes.

Claim Rejections - 35 USC § 102/103

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 8. Claims 1-5, 7, 15, and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over USPN 5,194,121 to Taguchi.

Regarding claims 1-5, 7, 15, and 16, Taguchi teaches a dewatering fabric for use in dynamic condensation drying apparatus comprising a multi-layer fabric (see entire document including column 1 lines 5-30, column 2 lines 3-53, column 3 lines 11-23, column 5 lines 12-63, column 6 lines 5-44, Figure 1, Figure 2). It should be noted that the limitation wherein the fabric

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is used in dynamic condensation drying apparatus is a recitation of intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. As Taguchi teaches an invention which is substantially similar to the claimed invention (a multi-layer fabric for papermaking comprising fibrous batts surrounding a woven core layer), the invention of Taguchi appears to be capable of performing the intended use.

Regarding claims 2-5 and 7, the fabric comprises a paper contacting surface layer and a core having a high void volume, the core having a machine side surface (column 1 lines 12-30, column 2 lines 3-53, column 5 lines 45-59, column 6 lines 5-47, Figure 1, Figure 2).

Additionally, absent unexpected results, it would have been obvious to one of ordinary skill in the papermaking art to optimize the void volume of the core as Taguchi suggests that the purpose of papermaking felts is to receive wet paper sheets and further squeeze water out of the sheets and varying the void volume would further accomplish this purpose based on the desired dewatering ability of the fabric.

Regarding claim 3-5, the third layer comprises a machine side surface layer provided on the machine side surface of the core (column 2 lines 3-53, column 5 lines 45-59, column 6 lines 5-47, Figure 1, Figure 2).

Regarding claim 4, the paper contacting surface is relatively the finest of the layers, being composed of closely spaced yarns, fibers or particles of small diameter and the machine side surface layer is of intermediate fineness being composed of yarns, fibers or particles of a larger diameter and more loosely spaced than those of the paper contacting surface (column 2 lines 3-

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53, column 5 lines 45-59, column 6 lines 5-47, Figure 1, Figure 2). Additionally, absent unexpected results, it would have been obvious to one of ordinary skill in the papermaking art to optimize the spacing and diameter of the fibers on the paper contacting surface and machine side surface since it has been held that where general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. One of ordinary skill in the papermaking art would have been motivated to optimize the spacing and diameter of the fibers on the paper contacting surface and machine side surface since Taguchi suggests that the fineness and compactness of the felt affect the occurrence of marks on printing and since a close structure with a higher density of fibers on the surface reduces marking, due to there being more contact points where the contact pressure can be distributed.

Regarding claim 5, the core is composed of widely spaced yarns, fibers or particles, or of a perforated sheet or membrane layer (column 1 lines 12-30, column 2 lines 3-53, column 5 lines 45-59, column 6 lines 5-47, Figure 1, Figure 2).

Regarding claim 7, the fabric comprises a core of a woven base cloth, a single or composite perforated membrane or a spiral-link base cloth, having a batt of staple fibers needled to each face of the base cloth (column 2 lines 3-53, column 6 lines 5-47, Figure 1, Figure 2).

Regarding claims 15 and 16, the fabric is made from materials having high resistance to high temperature and hydrolysis, such as PPS, PEEK, PEK, polyamide, fluoropolymer, glass, metal, PEN or PBM (column 2 lines 3-53, column 5 lines 45-59, column 6 lines 5-47).

Regarding claim 16, less resistant materials are used in parts of the fabric which are at least partially insulated from the hot jet or roll by high temperature resistant material, such as

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nylon, PET, PBT, PTT, PCTA or polyesteramides (column 2 lines 3-53, column 5 lines 45-59, column 6 lines 5-47).

In the event it is shown that Taguchi does not disclose the claimed invention with sufficient specificity, the invention is obvious because Taguchi discloses the claimed constituents and discloses that they may be used in combination.

9. Claims 1, 2, 17-19, and 21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over USPN 3,214,326 to Lee.

Regarding claims 1, 2, 17-19, and 21, Lee teaches a dewatering fabric for use in dynamic condensation drying apparatus comprising a multi-layer fabric (see entire document including column 1 lines 9-15, column 2 lines 3-53, column 2 line 67 to column 4 line 51, column 5 lines 1-60. Figures 2-5). It should be noted that the limitation wherein the fabric is used in dynamic condensation drying apparatus is a recitation of intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. As Lee teaches an invention which is substantially similar to the claimed invention (a multi-layer fabric for papermaking comprising a woven core layer), the invention of Lee appears to be capable of performing the intended use.

Regarding claims 2, 17-19 and 21, the fabric comprises a paper contacting surface layer and a core having a high void volume, the core having a machine side surface (column 2 line 67 to column 4 line 51).

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Regarding claims 17-19 and 21, the surface layer and the core are constituted by a single structure providing zones of differing mean void volume (column 2 line 67 to column 4 line 51).

Regarding claims 18 and 19, the fabric comprises a two-ply woven core zone of relatively coarse cross-machine direction or west yarns and superposed thereon on the paper side of the fabric, a two-ply woven zone of relatively fine cross-machine direction or west yarns (column 2 line 67 to column 4 line 51, column 5 lines 1-60, Figures 2-5).

Regarding claim 19, the layers are interwoven by means of warp yarns which interlink the weft yarn plies into a single woven structure (column 3 line 68 to column 4 line 51, column 5 lines 1-60, Figures 2-5).

Regarding claim 21, the core zone comprises a single ply of larger diameter west yarns (Figure 4, Figure 5).

In the event it is shown that Lee does not disclose the claimed invention with sufficient specificity, the invention is obvious because Lee discloses the claimed constituents and discloses that they may be used in combination.

10. Claims 1, 2 and 17-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over USPN 2,934,097 to Hindle.

Regarding claims 1, 2 and 17-20, Hindle teaches a dewatering fabric for use in dynamic condensation drying apparatus comprising a multi-layer fabric (see entire document including column 3 lines 9-42, Figures 4-7). It should be noted that the limitation wherein the fabric is used in dynamic condensation drying apparatus is a recitation of intended use. A recitation of the intended use of the claimed invention must result in a structural difference between the

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claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. As Hindle teaches an invention which is substantially similar to the claimed invention (a multi-layer fabric for papermaking comprising a woven core layer), the invention of Hindle appears to be capable of performing the intended use.

Regarding claims 2 and 17-20, the fabric comprises a paper contacting surface layer and a core having a high void volume, the core having a machine side surface (column 3 lines 9-42, column 5 lines 16-59). Additionally, absent unexpected results, it would have been obvious to one of ordinary skill in the papermaking art to optimize the void volume of the core as Hindle suggests that the purpose of papermaking felts is to increase the capillarity resulting in a high rate of water transmission through the felt, which would increase the speed of papermaking, and varying the void volume would further accomplish this purpose based on the desired dewatering ability of the fabric.

Regarding claims 17-20, the surface layer and the core are constituted by a single structure providing zones of differing mean void volume (column 3 lines 9-42, column 5 lines 16-59).

Regarding claims 18-20, the fabric comprises a two-ply woven core zone of relatively coarse cross-machine direction or weft yarns and superposed thereon on the paper side of the fabric, a two-ply woven zone of relatively fine cross-machine direction or weft yarns (column 3 lines 9-42, column 5 lines 16-59). Additionally, absent unexpected results, it would have been obvious to one of ordinary skill in the papermaking art to vary the fineness of the yarns as Hindle suggests that the purpose of papermaking felts is to increase the capillarity resulting in a high

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rate of water transmission through the felt, which would increase the speed of papermaking, and varying the fineness of the yarns would further accomplish this purpose since coarser yarns would lead to a higher void volume thus increasing the dewatering ability of the fabric while decreasing the rewetting of the paper.

Regarding claims 19 and 20, the layers are interwoven by means of warp yarns which interlink the west yarn plies into a single woven structure (column 3 lines 9-42, column 5 lines 16-59).

Regarding claim 20, the fabric comprises a further play of finer west yarns on the cylinder side of the core zone which are bound into the weave structure by warp yarns which pass about the further yarns and the lower ply of the core yarns (column 3 lines 9-42, column 5 lines 16-59, Figures 4-7).

In the event it is shown that Hindle does not disclose the claimed invention with sufficient specificity, the invention is obvious because Hindle discloses the claimed constituents and discloses that they may be used in combination.

Claim Rejections - 35 USC § 103

11. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as obvious over Taguchi, as applied to claims 1-5, 7, 15, and 16 above, and further in view of EP 0962589 to Taipale.

Regarding claims 4 and 5, in the event it is shown that it would not have been obvious to one of the ordinary skill in the papermaking art to optimize the spacing and diameter of the fibers, Taipale teaches a similar papermaking fabric wherein the close, dense structure of fine threads on the surface side of the core reduces marking since a dense structure has more contact

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points to distribute the contact pressure (Taipale, paragraphs 0014-0016, Figures 3A-3I). Taipale also teaches that the dense surface prevents rewetting and improves heat transfer capacity, and that the middle layer can be made looser with thicker diameter threads to increase the strength of the fabric. It would have been obvious to one of ordinary skill in the papermaking art to form the invention of Taguchi, while optimizing the spacing and diameter of the fibers on the paper contacting surface and machine side surface, as taught by Taipale, since Taguchi suggests that the fineness and compactness of the felt affect the occurrence of marks on printing and since a close structure with a higher density of fibers on the surface reduces marking, prevents rewetting, improves heat transfer capacity, and increases the strength of the fabric. Similarly, it would have been obvious to one of ordinary skill in the papermaking art to form the invention of Taguchi, wherein the middle layer is looser and comprises thicker diameter threads, as taught by Taipale, motivated by the desire to form a stronger more durable dewatering fabric.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as obvious over Taguchi, as applied to claims 1-5, 7, 15, and 16 above, and further in view of WO99/61130 to Lydon.

Regarding claim 8, Taguchi does not appear to teach that the core is filled with a porous material. However, Lydon teaches a similar papermaking fabric comprising a woven core layer and a fibrous batt wherein the woven core layer, having void spaces therein, is at least partially impregnated by a microporous polymer material which improves properties of the papermaking fabric such as filter cake release (Lydon, page 1 lines 2-20, page 2 line 3 to page 3 line 7, page 7 lines 5-10). It would have been obvious to one of ordinary skill in the papermaking art to form the dewatering fabric of Taguchi, wherein the woven core layer is filled with a porous material,

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as taught by Lydon, motivated by the desire to form a conventional dewatering fabric with improved durability, filtering properties, and dewatering ability.

Conclusion

USPN 5.110.672 to Zehle is made of record and not relied upon but is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Y. Choi whose telephone number is (571) 272-6730. The examiner can normally be reached on Monday - Friday, 08:00 - 15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peter Y. Choi

July 19, 2007